

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for Secured Creditor

Wells Fargo Bank, N.A., as Trustee for Carrington

Mortgage Loan Trust, Series 2006-FRE1 Asset-Backed

Pass-Through Certificates

In Re:

Rodney Jose Kelly

Debtor



Order Filed on January 4, 2024
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No.: 23-14018 MBK

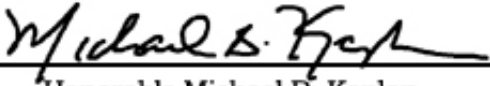
Hearing Date: 12/13/2023 @ 1/24/2024

Judge: Michael B. Kaplan

**ORDER RESOLVING MOTION FOR RELIEF FROM STAY AND SECURED
CREDITOR'S OBJECTION TO CONFIRMATION**

The relief set forth on the following pages, numbered two (2) through two (2) is hereby
ORDERED.

DATED: January 4, 2024


Honorable Michael B. Kaplan
United States Bankruptcy Judge

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Debtor: Rodney Jose Kelly

Case No: 23-14018 MBK

Caption of Order: Order Resolving Motion for Relief from Stay and Secured Creditor's Objection to Confirmation

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, Wells Fargo Bank, N.A., as Trustee for Carrington Mortgage Loan Trust, Series 2006-FRE1 Asset-Backed Pass-Through Certificates, Denise Carlon, Esq. appearing, upon a motion to vacate the automatic stay and an objection to confirmation to plan as to real property located at 9 Spindletop Lane, Willingboro, NJ, 08046, and it appearing that notice of said motion was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Robert Cameron Legg, Esq., attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of December 19, 2023, Debtors are in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due June 2023 through December 2023 for a total post-petition default of \$12,234.67 (5 @ \$1,719.67; 2 @ \$1,818.16); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$12,234.67 will be added to the affidavit of the amount due and paid per Debtors' Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume January 1, 2024, directly to Secured Creditor care of its servicer (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that the subject property is to be sold by February 28, 2024, to pay off Secured Creditor's lien in full, including but not limited to the post-petition arrears referenced in this Order; and

It is further **ORDERED, ADJUDGED and DECREED** that if the sale is not successful, the plan will be modified to otherwise address the pre- and post-petition arrears; and

It is further **ORDERED, ADJUDGED and DECREED** that Trustee is not to pay arrears while the sale is pending; and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtors' Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtors shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtors, and Debtors' counsel at the time of submission to the Court; and

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Debtor: Rodney Jose Kelly

Case No: 23-14018 MBK

Caption of Order: Order Resolving Motion for Relief from Stay and Secured Creditor's Objection to Confirmation

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs in the sum of \$350.00 for attorneys' fees and \$188.00 for filing fees, totaling \$538.00, which is to be paid through Debtors' Chapter 13 plan, and that this motion for relief and objection to confirmation are hereby resolved.